

**Michigan Merit Exam (MME)  
Social Studies Constructed Response  
Annotated Scoring Guide**

Fall 2007

## **Acknowledgements**

This document was created by the Michigan Department of Education and a team of Michigan social studies teachers who also serve as MME Range Finders.

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## Introduction

### Overall Purpose of Michigan Merit Exam (MME) Constructed Response

An important skill of responsible citizens is to effectively communicate ideas about policy issues, whether it is to a newspaper editor or a political leader. The Constructed Response portion of the MME is intended to evaluate the ability of students to communicate their ideas about policy issues.

### Purpose of this Annotated Scoring Guide

This Guide is intended to help Michigan teachers understand the process by which students' responses are scored. The Guide contains examples of student responses and explains how those responses were scored. This document is not an exhaustive list of all issues related to the MME Constructed Response, only those that are most common. More complete information regarding MME Issues can be found at:

- Social Studies Curriculum, including Core Democratic Values, History Themes, Lesson Plans, <[www.mi.gov/socialstudies](http://www.mi.gov/socialstudies)>
- Released 11<sup>th</sup> MEAP Items <[www.mi.gov/mde/0,1607,7-140-22709\\_31168\\_31355---,00.html](http://www.mi.gov/mde/0,1607,7-140-22709_31168_31355---,00.html)>
- MME General Information <[www.mi.gov/mme](http://www.mi.gov/mme)>.

### MME Constructed Response Scoring

MME Constructed Responses are scored by an outside contractor, according to a standard rubric (see below and page 6). Each response is independently read by two scorers for Social Studies (and two for English Language Arts, see below). In order to maximize the reliability and validity of the scoring process, standards are first set internally by the MEAP department of the Michigan Department of Education. This is called "Range Finding." A committee of Michigan social studies teachers serve as "Range Finders" in order to determine criteria for acceptable versus unacceptable responses.<sup>1</sup> The MEAP is a large scale, on demand assessment that evaluates all students in the state, as opposed to classroom assessments. In the interest of fairness for all Michigan students, Range Finders determine the *absolute minimum* that will be accepted as demonstrating a required skill. The examples in this document reflect actual student responses that were "acceptable," not necessarily exemplary or perfect. The purpose of this Guide is to benefit the rangefinding process so that teachers across the state and the MDE scorers are consistent within the scoring process. Individual prompts may elicit varied responses to the issues listed in this guide. Therefore, the role of rangefinders is to align the criteria within this guide and the actual prompt being scored.

### The Five MME Social Studies Rubric Categories

1. **Position:** Clear and supported statement of position;
2. **CDV:** Supporting information using a **core democratic value** of American constitutional democracy; For a list of CDVs go to <[http://michigan.gov/documents/10-02\\_Core\\_democratic\\_Values\\_48832\\_7.pdf](http://michigan.gov/documents/10-02_Core_democratic_Values_48832_7.pdf)>
3. **Data:** Supporting information from the Data Section;
4. **Prior Knowledge:** Supporting knowledge from history, geography, civics and government, or economics;
5. **Opposing Argument and Refutation:** A reasonable argument someone with the opposite point of view could use and an explanation that reveals the flaw in his/her argument.

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<sup>1</sup> For those interested in participating in the Range Finding process, please contact Ruth Isaia at [isaia@michigan.gov](mailto:isaia@michigan.gov)

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The MME Constructed Response is worth 22 points: 10 points for Social Studies and 12 points for English Language Arts. The response will be scored 4 times by 4 different scorers as reflected in the chart below. Responses cannot earn partial points.

	<b>Social Studies</b>
<b>Scorer A</b>	5 point rubric
<b>Scorer B</b>	5 point rubric
<b>Total Possible</b>	10 points possible

	<b>ELA</b>
<b>Scorer C</b>	6 point rubric
<b>Scorer D</b>	6 point rubric
<b>Total Possible</b>	12 points possible

**11<sup>th</sup> Grade**  
**Scoring of Constructed Response:**  
**MME Social Studies Rubric Effective Spring 2007**

Points	Description
5	<p><b>The supporting core democratic value, data, prior knowledge, and refutation of opposing argument used by students must be explained in enough detail to show a clear connection to the position taken in order to receive credit.</b>  <b>In order to receive a 5-point score, the response must:</b></p> <ol style="list-style-type: none"> <li>1. Give a clearly stated position on the issue and support their position <ul style="list-style-type: none"> <li>– Do not accept those who do not take a stand, who say someone else (parents, school, or government) should decide</li> </ul> </li> <li>2. Provide at least one supporting point that is based on core democratic values of American constitutional democracy that is explained in enough detail to show a clear connection to the position taken. <ul style="list-style-type: none"> <li>– Do not accept if this support contradicts stated position</li> </ul> </li> <li>3. Provide one (or more) piece(s) of accurate, valid, and relevant supporting information from the Data Section that is explained in enough detail to show a clear connection to the position taken. <ul style="list-style-type: none"> <li>– Do not accept if this support contradicts stated position</li> </ul> </li> <li>4. Provide one (or more) piece(s) of accurate, valid, and relevant supporting social studies information that comes from the student's prior knowledge (information other than that supplied by the Data Section or a Core Democratic Value) that is explained in enough detail to show a clear connection to the position taken. <ul style="list-style-type: none"> <li>– Do not accept feelings or opinions. Support must be factual.</li> <li>– Do not accept if this support contradicts stated position</li> </ul> </li> <li>5. Provide one reason that acknowledges an argument from the opposing viewpoint and refutes that argument. <ul style="list-style-type: none"> <li>– Do not accept merely an acknowledgment that opposing viewpoints exist.</li> </ul> </li> </ol>
4	<p>In order to receive a 4-point score, the response must</p> <ul style="list-style-type: none"> <li>• give a clearly stated position on the issue with support for their position, and</li> <li>• contain at least 3 of the remaining 4 elements listed above</li> </ul>
3	<p>In order to receive a 3-point score, the response must</p> <ul style="list-style-type: none"> <li>• give a clearly stated and supported position on the issue, and</li> <li>• contain at least 2 of the remaining 4 elements</li> </ul>
2	<p>In order to receive a 2-point score, the response must</p> <ul style="list-style-type: none"> <li>• give a clearly stated and supported position on the issue, and</li> <li>• contain at least 1 of the remaining 4 elements</li> </ul>
1	<p>In order to receive a 1-point score, the response must</p> <ul style="list-style-type: none"> <li>• give a clearly stated and supported position on the issue</li> </ul>
0	<p>Response shows no evidence of a clear position or the position is not supported in any way.</p>

## Michigan Merit Exam (MME) Persuasive Writing Rubric \*

6	The response takes a position on the issue in the prompt, shows clear understanding of that issue, and maintains focus across the response. The position is supported thoroughly and consistently with specific, logical reasons and/or examples. The response may demonstrate insight and complexity by evaluating various implications of the position and/or by responding to arguments that differ from the writer's position. Organization is well controlled, with a logical sequence of reasons and strong transitions and relationships among reasons. The response shows a good command of varied, precise language that supports meaning. Few, if any, errors distract the reader.
5	The response takes a position on the issue in the prompt, shows clear understanding of that issue, and is focused through most of the response. The position is supported with specific logical reasons. The response may show recognition of complexity by partially evaluating implications of the issue, or by responding to arguments that differ from the author's position. Organization is generally controlled, with occasional lapses in sequencing and/or relationships among reasons. Language is competent and supports meaning. Errors are rarely distracting.
4	The response takes a position on the issue in the prompt, shows an understanding of that issue, and is generally focused. The position is supported adequately, and may be an uneven mixture of general and specific reasons. The response may show some recognition of complexity by responding to some arguments that differ from the writer's position. Some organization is evident in the sequencing and relationships of reasons. Language is adequate. Errors may distract, but do not interfere with meaning.
3	The response takes a position on the issue in the prompt, shows some understanding of the issue in the prompt, but may not remain focused. The position is supported with reasons that may be limited and/or repetitious. The response may also mention an argument that opposes the writer's position. Organization may be uneven, but there are clusters of sequenced and related reasons. Language may be limited. Errors may occasionally interfere with meaning.
2	The response takes a position, but shows little understanding of the issue in the prompt, or takes an unclear position. Support may be so minimal or unclear that organization may not be apparent. Language may be simple. Errors may interfere with meaning.
1	The response takes no position, or takes a position with no support, showing little or no understanding of the issue in the prompt. There is little or no evidence of an organizational structure, or of sequencing and connecting reasons. Language may be limited and contain errors that detract from meaning.
0	<b>A Off-topic</b> <b>B Written in a language other than English or illegible</b> <b>C Blank* A blank response will result in an invalid score for Social Studies</b>

- This rubric will be used by two independent scorers to score the MME social studies response for persuasive writing. Two separate and independent scorers will score the MME social studies response for social studies content on the MME Social Studies Rubric.

## MME Test Booklet Rubrics

- (1) As part of your **MME social studies score** your written response will be scored on a 5 point scale based on the following criteria:

You will be scored on the following criteria. Your response must include:

- a clear and supported statement of your position; **you must meet this criteria to receive any additional points;**
- supporting information using a core democratic value of American constitutional democracy (a partial list is provided below);
- supporting knowledge (it is not enough to state your opinion) from history, geography, civics (other than the core democratic values), or economics;
- supporting information from the Data Section; and
- a credible argument someone with the opposite point of view could use, and an explanation that reveals the flaw in his or her argument.

### Some Core Democratic Values of American Constitutional Democracy

#### Fundamental Beliefs

Life  
Liberty  
The Pursuit of Happiness  
Public or Common Good  
Justice  
Equality  
Diversity  
Truth  
Popular Sovereignty  
Patriotism

#### Constitutional Principles

The Rule of Law  
Separation of Powers  
Representative Government  
Checks and Balances  
Individual Rights  
Freedom of Religion  
Federalism  
Civilian Control of the Military



- (2) As part of your **MME writing score** your written response will be scored on a 6 point scale based on the following criteria:

- The essay takes a position on the issue in the prompt, shows clear understanding of that issue, and maintains focus across the response.
- The position is supported thoroughly and consistently with specific, logical reasons and/or examples.
- The response may demonstrate insight and complexity by evaluating various implications of the position and/or by responding to arguments that differ from the writer's position.
- Organization is well controlled, with a logical sequence of reasons and strong transitions and relationships among reasons.
- The essay shows a good command of varied, precise language that supports meaning.
- Few, if any, errors distract the reader.

**Remember:** • Write or print neatly on the lines provided in your **Answer Document**.

- No additional sheets may be used.
- Nothing written in this booklet will be scored.

## Explanation of Scoring Rubric

Most of the responses shown in this Guide are based on the following 2001 MME (MEAP) released item prompt. When applicable, actual student responses from this prompt are used (e.g., *refer to Anchor Paper 7*). All other examples are universal applications. The full 2001 item and sample student responses can be found at the end of this document, or at [www.mi.gov/documents/hstssrel01\\_94277\\_7.pdf](http://www.mi.gov/documents/hstssrel01_94277_7.pdf). These responses were edited, on occasion, to more clearly reflect one of the scoring issues. The scoring was also edited, when needed, to reflect changes in scoring rules since 2001. Therefore, the responses and the scores at the end of this document may differ slightly from the 2001 Released Items document.

**Prompt:**     **Should the U.S. Constitution be amended to allow Congress to overturn Supreme Court decisions?<sup>2</sup>**

Position (Thesis)	
Explanation of Required Characteristics	Student Example with Commentary
<ul style="list-style-type: none"> <li>• Must clearly state <i>and</i> support a position <i>to receive any points</i>.</li> <li>• A response that begins with one position, and then changes/contradicts that position without resolution will receive a zero.</li> <li>• Refusing to take a position will also receive a zero.</li> <li>• A clearly stated position must be supported. Responses that clearly state a position but <i>fail to support it will receive a zero</i>.</li> <li>• Personal opinion <i>is</i> acceptable for support of position. (note: personal opinion is <i>not</i> acceptable for the Rubric category of Prior Knowledge)</li> </ul>	<p><b>Acceptable:</b> “<i>I believe that the Constitution should not be amended to allow Congress to overturn Supreme Court decisions. The President calls for the Supreme Court to help him with decision making, so the Congress should not be able to overturn the Supreme Court’s rights.</i>” (Refer to Anchor Paper 4)</p> <p><b>Unacceptable:</b> “<i>This is too hard to decide. We should let the President decide.</i>” No “pro” or “con” position is taken, therefore no point is earned.</p> <p><b>Unacceptable:</b> “<i>Yes, I do think that we should allow Congress to overturn Supreme Court decisions.</i>” [<i>This is the entire response</i>]. While this response clearly states a position, it does not support that position.</p>

<sup>2</sup> See the end of this document or 2001 Released Items for this complete item and sample student papers:  
[http://www.mi.gov/documents/hstssrel01\\_94277\\_7.pdf](http://www.mi.gov/documents/hstssrel01_94277_7.pdf).

## Relevant Issues that Affect how ‘Position’ is Scored

### A Clear Slip of the Pen

A student who has written an organized and supported position may mistakenly add, change, or skip a word that then changes his/her position. Scorers attribute this error to “test pressure/test anxiety” and ignore the mistake. This type of error is called “a clear slip of the pen.” Acceptance of this type of error is given if the paper *in its entirety clearly supports a single viewpoint*.

**Acceptable:** *“Also, I think that the Supreme Court is better able to make good decisions and rulings than the Supreme Court” (Refer to Anchor Paper 5)*

As written, this response doesn’t make sense. However, the Range Finders’ judgment is that the student intended the last word to be “Congress,” and not “Supreme Court.” Therefore, there is no contradiction.

**Unacceptable:** The student consistently refers to the Constitution instead of Congress. This is not a slip of the pen because the student clearly doesn’t understand the question. *(Refer to Anchor Paper 1)*

### Modified position

Occasionally students will modify the question, e.g.: *“I think that the President should be able to overturn a Supreme Court’s decision.”* The prompt, however, asks whether *Congress* should be able to overturn the Supreme Court, not whether the *President* should be able to overturn the Supreme Court.

For a modified position to receive a “position” point, there must be data in the Data section to support the position.

**Acceptable:** *“I feel the [C]onstitution shouldn’t be amended to allow [C]ongress to overturn Supreme Court decisions... I do think that if the decision by the Supreme Court is questionable they could have the trial again and if the Supreme Court’s original verdict wasn’t the correct one, that then [C]ongress could overturn it.”* The student then supports the modified position with data from the Data Section (e.g. *“The members of [C]ongress had a very positive reaction to this...”*) *(Refer to Anchor Paper 3)*

**Unacceptable:** *“The student consistently refers to the Constitution instead of Congress.”* This is not a modified position because the Constitution cannot overrule Supreme Court decisions and there would be no data to support this position. *(Refer to Anchor Paper 1)*

## Core Democratic Value (CDV)

In order to earn a point, the CDV must be explained in enough detail to show a clear connection to the position taken. The following is provided to clarify how the CDV's that are most commonly misused are scored. For a full description of selected CDV's, see [www.mi.gov/socialstudies](http://www.mi.gov/socialstudies).

CDV	Requirements
<p><b>The Common Good</b> must include:</p> <ul style="list-style-type: none"> <li>• A description of <i>who</i> benefits</li> <li>• An acknowledgment of <i>who</i> is negatively affected (or what is being given up/ sacrificed* for the good of all).</li> </ul> <p>*The sacrifice must be expressed. The word "sacrifice" doesn't necessarily have to be used, as long as the concept of a sacrifice is given.</p>	<p><b>Who benefits:</b> Common Good is defined as good for society as a whole. The 11<sup>th</sup> grade definition of "society" should be national in scope. It needs to be more than just "<i>everyone I know.</i>"</p> <p>The Common Good must benefit a group of people but must also recognize <i>that not everyone benefits</i>. There must be acknowledgment that someone is going to pay a price for the benefit of others.</p> <p>Scorers pay attention to the difference between rights held by <i>individuals</i> and those held by <i>groups</i>, e.g.: the common good is applied to the whole citizenry, not a single individual.</p> <p>How people benefit (if applicable):</p> <p>Depending on the prompt, rangefinders will have to decide to what extent each of these criteria is applied. For example, a prompt may require elaboration as to "how" someone benefits.</p> <p><b>The sacrifice:</b> Students must demonstrate a sacrifice or cost in relation to the benefit that is achieved.</p> <p>Common good can be seen as a cost/benefit analysis, or as the concept of giving something up for the good of the community.</p> <p><b>Acceptable:</b> If the question asked, "Should the state build a highway through that undeveloped land?" An acceptable answer would be "<i>It is for the Common Good of the community that a highway is built, but the state should make sure that the displaced property owners are fairly compensated for their loss. Also, commuters would benefit because they could get to work more quickly.</i>" (a sacrifice is shown as well as how people benefit)</p> <p><b>Unacceptable:</b> "<i>It is for the Common Good of the community that a highway is built. Commuters would benefit because they could get to work more quickly.</i>"</p> <p><b>Unacceptable:</b> "<i>The [C]ongress is just going to do what is right for the public or common good, and there needs to be a separation of power.</i>" (Refer to Anchor Paper 2)</p> <p>These two examples don't state who is negatively affected, or what is being sacrificed.</p>

<p><b>Individual Rights</b></p> <ul style="list-style-type: none"> <li>• Speech</li> <li>• Assembly</li> <li>• Religion</li> <li>• Petition</li> <li>• Press, etc.</li> </ul>	<p>“Individual rights” is a collective term. The “right” must be identified, explained, or an example of that right must be given.</p> <p><b>Acceptable:</b> <i>“People have individual rights, and the government should respect them. We all should be able to say what we want, as long as we aren’t lying about it or trying to tell people to hurt someone.”</i> The “individual right” is correctly applied in this situation, even though it is not explicitly identified as free speech.</p> <p><b>Unacceptable:</b> <i>“This violates my Individual Rights. [end of argument]”</i> There needs to be an example or explanation of <i>which right(s)</i> are relevant.</p>
<p><b>Pursuit of Happiness</b> applies only to activities that</p> <ul style="list-style-type: none"> <li>• do not infringe on the rights of others</li> <li>• are legal</li> <li>• are not dangerous to the public health and/or safety of the nation</li> </ul>	<p>The government should not unduly interfere with a citizen’s right to seek happiness in his/her own way. It is not the responsibility of the government to provide happiness for its citizens.</p> <p><b>Acceptable:</b> <i>If the Supreme Court ruled that students could not skateboard on federal property, then I would be in favor of Congress’ ability to overturn this Supreme Court decision because it would increase my Pursuit of Happiness as a skateboarder, and it doesn’t hurt anyone else.</i></p> <p><b>Unacceptable:</b> Arguments that state, <i>“It is the government’s responsibility to make the citizens happy,”</i> do not earn the CDV point for Pursuit of Happiness.</p>
<p><b>Life</b></p> <ul style="list-style-type: none"> <li>• It is the prime responsibility of the government to protect the lives and safety of its citizens.</li> <li>• Acknowledged exceptions include serving in the military, and federal capital punishment.</li> </ul>	<p>The CDV of Life is appropriately used when the lives of the citizens are at stake. <i>Quality of life</i> is not the same as the CDV of “Life.” Scorers look for concepts relating to: <i>“fatality, fatal, death”</i> to award a point for this CDV.</p> <p><b>Acceptable:</b> <i>“I encourage laws requiring the mandatory use of bicycle helmets because it will promote the CDV of Life by decreasing fatalities.”</i></p> <p><b>Unacceptable:</b> <i>“I support this proposal because it would make life better”</i> is not an acceptable use of the CDV of Life.</p>

<p><b>Popular Sovereignty</b> is related to voters.</p> <ul style="list-style-type: none"> <li>• Popular Sovereignty arguments must be supported by the data or prompt.</li> <li>• “Majority rule” is acceptable as an example if/when reflected in the data section.</li> </ul>	<p><b>Acceptable:</b> <i>“If you’ve noticed, there is no evidence of popular sovereignty among the Supreme Court. But with this amendment, the people could have their voices heard by their own representatives and have a chance at getting their say.” (Refer to Anchor Paper 6)</i></p> <p><b>Acceptable:</b> <i>“...because congressmen have to worry about keeping their party and their constituents pleased, their decision may not always be what they really believe. Supreme Court judges do not have to worry about re-election and pleasing constituents because they are appointed to the court for life.” (Refer to Anchor Paper 5)</i></p> <p><b>Unacceptable:</b> <i>“Everyone I know agrees that the Supreme Court shouldn’t have that much power.”</i> This example does not show an understanding of this CDV.</p>
<p><b>Equality</b> It is important to emphasize that equality is usually one of opportunity, not necessarily equality of results or outcome.</p> <p>However, in cases such as a national program, e.g., outcome or results can be viewed as opportunity.</p>	<p><b>Some students confuse the concept of equality with justice. Equality refers to the government’s responsibility not to favor one group over another. Scorers recognize that this concept can be prompt specific.</b></p> <p><b>Acceptable:</b> If the question asked, “Should Congress adjust the minimum wage to match the inflation rate?, <i>Congress should be able to guarantee that poor people have the ability to earn a decent income if they make the effort to do so.</i> The key word is “ability,” which shows the student understands that the result depends on the individual</p> <p><b>Unacceptable:</b> <i>“Congress should guarantee that everyone has the same income.”</i></p>

## Relevant Issues that Affect how ‘CDV’ is Scored

Students are asked to apply a CDV in their responses so as to enhance their understanding and appreciation for democratic values that are the basis of American public life. Social studies teachers are more concerned with students’ ability to explain and apply CDVs than in their ability to memorize names and definitions. The guidelines below reflect that philosophy.

<b>Mislabeled CDV</b>	<p>A mislabeled CDV can earn a point if <i>all</i> of the following criterion are met:</p> <ul style="list-style-type: none"> <li>• The incorrect CDV is close or similar to the correct CDV: “Justice” for “Equality” is acceptable. “Common Good” for “Civilian Control of the Military” is not acceptable.</li> <li>• The response provides a clear definition and/or explanation of the (mislabeled) CDV.</li> <li>• The mislabeled CDV is correctly applied to the response’s position.</li> </ul> <p><b>Acceptable:</b>  <i>“The CDV of Common Good supports my position, because overturning Supreme Court decisions would end up treating people differently, which isn’t fair.”</i> Fairness is related to the CDV’s of Justice and/or Equality. This example is acceptable because this student has explained <i>how</i> society would benefit, thus applying a mislabeled CDV correctly.</p> <p><b>Unacceptable:</b>  <i>Overturning Supreme Court decisions would hurt the CDV of Diversity, because the Supreme Court and Congress are so diverse from each other.</i></p>
<b>Unnamed CDV</b>	<p>A response can earn a point even if a CDV is not named as long as it meets the following criteria:</p> <ul style="list-style-type: none"> <li>• The response provides a clear definition and/or explanation of the (mislabeled) CDV.</li> <li>• The mislabeled CDV is correctly applied to the response’s position.</li> </ul> <p><b>Acceptable:</b>  <i>“Giving Congress the right to overturn Supreme Court decisions would contradict the well established tradition that all laws must be approved by Congress, have the President’s signature (or congressional override in case of Presidential veto), as well as judicial review. The Supreme Court has always been able to declare Congressional and Presidential acts unconstitutional.”</i>  This passage accurately describes the CDV of “Checks and Balances” even though that phrase is never explicitly used.</p>
<b>Vagueness or “Name Dropping”</b>	<p>A response will <i>not</i> earn a CDV point if the explanation of that CDV is grossly inaccurate, very vague, or just mentioned without any explanation or connection to the position.</p> <p><b>Unacceptable:</b> <i>“The CDV of Truth supports my position.”</i> There is no description of <i>how</i> Truth supports this position.</p>

<b>CDV &amp; Prior Knowledge</b>	<p>A CDV example cannot earn both the CDV and Prior Knowledge points (“double-dip”). However, an <i>application</i> of the CDV can earn both a CDV and a Prior Knowledge point if it is used to support the position.</p> <p><b>Acceptable:</b> “<i>The reason Congress should not be allowed to overturn Supreme Court decisions is to maintain the checks and balances of judicial review established by Marbury v. Madison.</i>” This example successfully applies the CDV using a specific historical example (Prior Knowledge) to support the position.</p> <p><b>Unacceptable:</b> “<i>The reason Congress should not be allowed to overturn Supreme Court decisions is to maintain the checks and balances guaranteed by the Constitution,</i>” would earn a CDV point but would <i>not</i> simultaneously earn a Prior Knowledge point because the Prior Knowledge does not support the position.</p>
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## Relevant Issues that Affect how ‘Data’ is Scored

<b>Preponderance of Appropriate and Relevant Data</b>	<p>Students may include a piece of data that does not support their position, or they may provide an inaccurate interpretation of the data. Therefore, scorers use the “preponderance of appropriate data” rule. In order to earn a Data point the citations of “good data” must outweigh the use of “bad data.” “Bad data” is defined as data that supports the opposing argument/point of view, or is an inaccurate interpretation of the data set(s).</p> <p>Preponderance of appropriate data rule: One good use of data, (+1) and one bad use (-1) = no credit for data (+1 -1 = 0); whereas two good, one bad is acceptable for awarding data point. Thus, if students misuse one data fact, they must correctly use 2 other data facts to earn the rubric point.</p>
<b>Appropriate Data</b>	<p>Occasionally students will use a piece of data that appears to contradict their position, but through explanation actually works. (e.g.: “... <i>the data shows that 3% of the students used drugs. I have zero tolerance for drugs. I think that 3% is too much drug use on school grounds. We should spend as much money as it takes to make it 0%. Our children are that important!</i>”)</p> <p>References to data not in the data sets provided do not add to or subtract from the score.</p>
<b>Relevance (“Data Dumps”)</b>	<p>“Use of Data” is a skill that requires students to interpret and select data, not just regurgitate it. Students should select only the data relevant to their position and use it to support their position. Random “data dumps,” where data is just thrown in without interpretation, earn no points: e.g.: “<i>You can see from the table that 42% say no and 58% say yes to question one, and on question two 15% say yes and 85% say no, and on question three 35% of the people say yes and 65% say no.</i>”</p>
<b>Specificity of Data</b>	<p>Students should cite a precise number, fact, or statistic from the Data section. However, specific numbers are not necessary, as long as the information is correctly interpreted and applied.</p> <p><b>Acceptable:</b> “<i>According to the data in Part A, the majority of the members of Congress support the Constitutional amendment.</i>”</p> <p><b>Unacceptable:</b> “<i>There is plenty of information in the Data Section that supports my position.</i>”</p>

Prior Knowledge	
Explanation of Required Characteristics	Example with Commentary
<ul style="list-style-type: none"> <li>• “Current Events” can be used, but it should usually be of national importance; if a local event is used, the larger issue that the local example reflects must be identified.</li> <li>• May not be a strictly personal experience or “common knowledge.”</li> </ul> <p><b>Prior Knowledge MUST be a <u>fact</u> that is</b></p> <ul style="list-style-type: none"> <li>• Accurate</li> <li>• Relevant</li> <li>• Verifiable</li> <li>• Specific to subject (except current events)</li> </ul> <p><b>Prior Knowledge CANNOT be</b></p> <ul style="list-style-type: none"> <li>• Personal opinion or personal experience</li> <li>• a CDV</li> <li>• Data from data section</li> <li>• Contradictory to the Position</li> </ul>	<p>Prior Knowledge can reference the domains of history, civics, geography, or economics (the major strands of the Michigan social studies curriculum). Current events are acceptable, but only if it meets the criteria delineated below. In addition, specific references (e.g. to the amendment process, to Supreme Court decisions, to specific years) are helpful.</p> <p><b>Acceptable:</b> <i>“If Congress had the ability to overturn Supreme Court decisions, they might overturn the Brown vs. Board of the Education that guaranteed desegregated schools.”</i> The general rule is, ‘If it made the national news or is a common example in most textbooks, then it’s an acceptable example of Prior Knowledge.’</p> <p><b>Unacceptable:</b> <i>“My friend told me that ... [end of argument]”</i> Current events must be factual, not personal opinion.</p> <p><i>“I learned in my history class that teenagers spend too much time playing video games ...”</i> This is common knowledge, and therefore too general to earn Prior Knowledge credit.</p> <p><i>“I think the United States Congress should propose an amendment allowing the U.S. Constitution to be rewritten without gender identifications. Equality, a core democratic value protected by the Constitution, supports my argument.”</i> This statement would earn the CDV point, but not the Prior Knowledge point. Responses will not earn points for Prior Knowledge when citing the Constitution, Bill of Rights or Declaration of Independence as the source of the CDV.</p>

## Opposing Argument / Refutation of Opposing Argument

Explanation of Required Characteristics	<i>Example with Commentary</i>
<p><b>For Opposing Argument/Refutation point to be earned the following must be shown:</b></p> <ul style="list-style-type: none"> <li>• <b>A credible argument someone with the opposite point of view could use.</b></li> <li>• <b>An explanation that reveals the flaw in his or her argument</b></li> <li>• <b>Reason why opposing position is “flawed.”</b></li> </ul>	<p><b>Acceptable:</b> <i>“Those against the amendment may say that it gives the legislature too much power over the judicial branch, but I just say that it is just making the scales even and extending the will of the people further into the courts. After all, there would have to be a firm belief that the Supreme Court was wrong for a two-thirds majority of both houses.” (Refer to Anchor Paper 6)</i></p> <p><b>Unacceptable:</b> <i>“The general public may differ with me, but I don’t want anything to happen like what has happened during the course of our history.”</i> This is too vague to receive the Opposing Argument point: e.g., what “things” have happened that this student doesn’t want to happen again?</p>

**Directions:** Read the following hypothetical information about a public policy issue. Use it with what you already know to complete the tasks that follow. You should take about 20 minutes to complete both Task I and Task II.

## PROPOSED CONSTITUTIONAL AMENDMENT

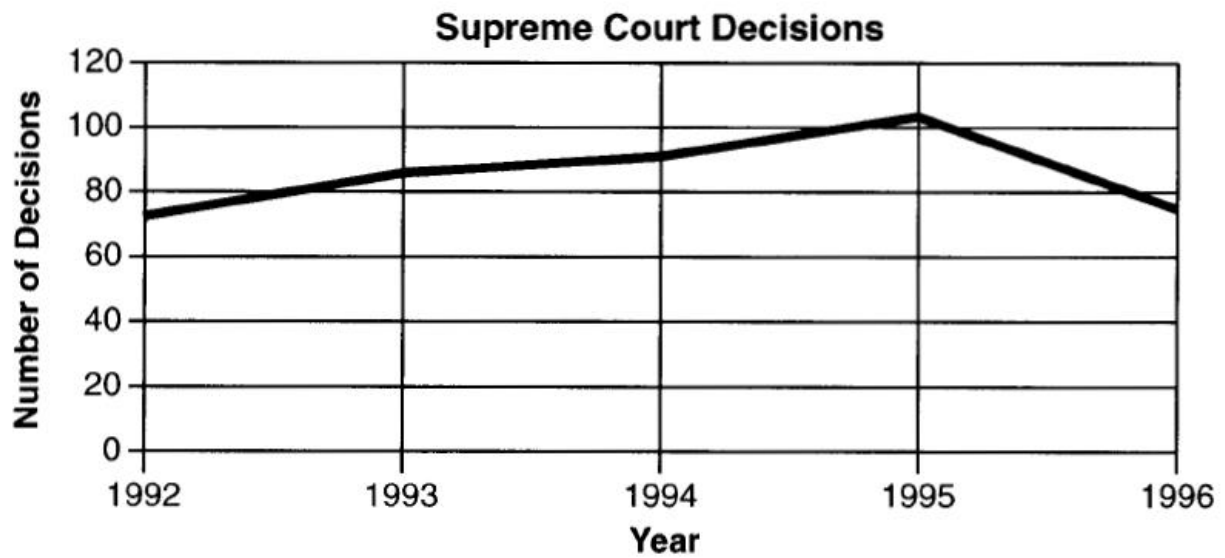
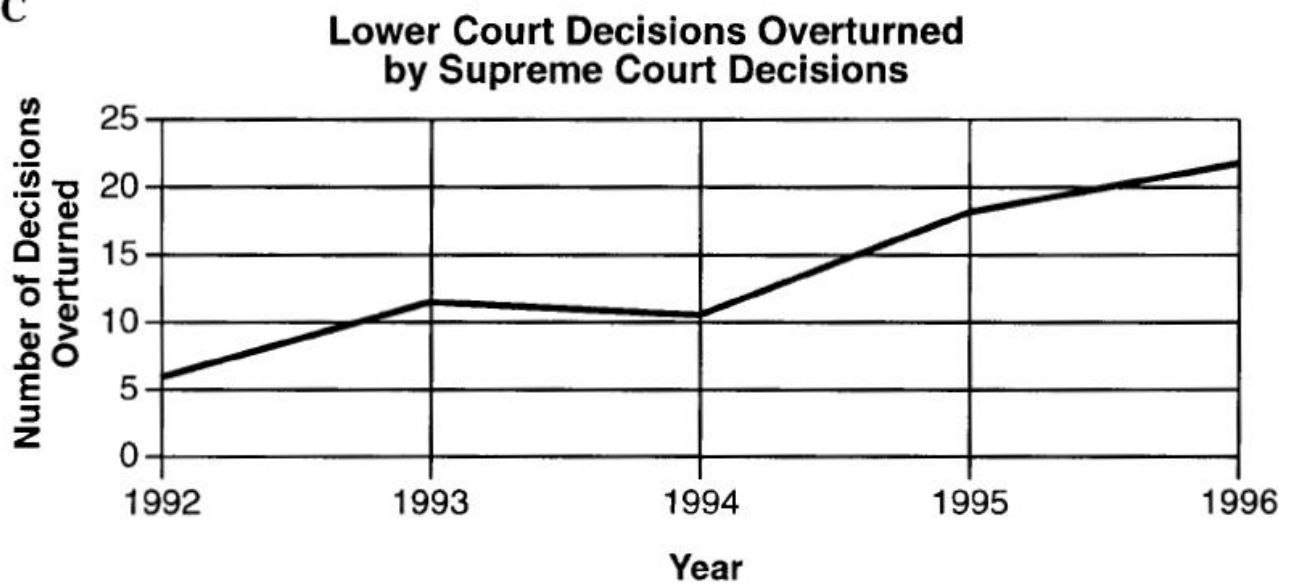
Supreme Court decisions are often controversial. An amendment has been introduced to allow Congress to overturn a Supreme Court decision by a two-thirds vote of both houses of Congress. Read the following information about this proposed amendment.

### Part

- A** An opinion survey was taken over five years on support for the proposed constitutional amendment. People in the following groups were asked, "Do you favor a constitutional amendment to allow Congress to overturn a Supreme Court decision by a two-thirds vote of both houses of Congress?" Below are the results of the surveys.

**Percentage Who Favor the Amendment**

Groups Polled	1992	1993	1994	1995	1996
Members of Congress	64%	62%	58%	61%	59%
Judges and Lawyers	18%	20%	21%	23%	19%
General Public	52%	49%	48%	52%	49%

**Part  
B****Part  
C**

**Anchor Paper 1**

Should the Constitution be amended to allow Congress to overturn Supreme Court decisions?

*Dear United States Representative:*

*The constitution was made to help the American citizens. It keeps us safe and gives us a little bit of power. The Supreme Court sometimes overrules these freedoms, and I don't think it is right.*

*I think the constitution should overrule the supreme court's decisions. When someone gets into trouble and should be protected by the constitution, that isn't right. The pursuit of happiness is one that I have seen get destroyed by the supreme court. A kid wanted to dress in Marilyn Manson clothes and wear his make-up. The school wanted to kick him out, but they went to court over it. This is a freedom according to our constitution. The courts sent the case to the supreme court and the kid had to stop wearing what he wanted.*

*I don't agree with this decision. If the constitution could overturn this decision, it would make a lot of people happy. Many people I have talked to agree with me. When human rights get violated, the constitution should have more power than the court systems. Some people think that things like dressing "different" or whatever is a terrible thing, but I bet there is something inside of them they want to express but can't because they will get into trouble.*

*I think, along with many people, that the constitution should be able to overturn a supreme court's decision.*

Score: 0

Position: This response does not provide a clear and supported position on the issue.

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**Anchor Paper 2**

*Dear United States Representative:*

*I believe that allowing congress to overrule a case is an excellent idea. One thing that I remembered from my government class was when we talked about how many people on death row are actually innocent and are waiting to die. Knowing that you're going to die would be the worst feeling in the world. The Supreme Court has too many rules that they have to follow. O. J. Simpson was practically caught with his hand in the cookie jar and they couldn't prove him guilty. Besides, if you have to have a two-thirds vote from both houses, they are not going to let the bad guy out. They're just like the court backup. The congress is just going to do what is right for the public or common good, and there needs to be a separation of power.*

*The Supreme Court is too powerful right now, so they should be able to come in and give a good reasoning for their override and vote on it. This is a good idea. Congress is here for the USA benefits, so they're not going to do anything too stupid. I believe we should trust our court.*

Score: 1 –

Position: This response provides a clear and supported position on the issue.

*I believe that allowing congress to overrule a case is an excellent idea. One thing that I remembered from my government class was when we talked about how many people on death row are actually innocent and are waiting to die.*

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**Anchor Paper 3**

Should the Constitution be amended to allow Congress to overturn Supreme Court decisions?

*Dear United States Representative:*

*I feel the constitution shouldn't be amended to allow congress to overturn Supreme Court decisions. I don't think congress should be allowed to come in and get involved in every case. I do think that if the decision by the Supreme Court is questionable they could have the trial again and if the Supreme Court's original verdict wasn't the correct one, that then congress could overturn it.*

*This goes way back to cases such as Hurricane Carter, a black boxer who was accused and later found guilty of a murder he didn't commit. After several times of trying to get his case brought back into court, congress and the supreme court agreed to hear the trial again and he was found not guilty. The members of congress had a very positive reaction to this suggested amendment because it will grant them more power. The judges and lawyers obviously don't agree because they lose cases and power. The general public is in between. If the power can be shared more effectively, I think it would be a win-win situation. The judges and lawyers would only lose control of the cases that have been voted to be reviewed. Congress would gain the right to choose the cases which should be reviewed. This would decrease the number of the wrongly convicted. That would be something that would definitely make the people happy. This proposal of a more evenly balanced decision would be something all three parties involved would definitely agree upon.*

Score: 2

Position: This response provides a modified position on the issue and supports it with data from the Data Section- *I do think that if the decision by the Supreme Court is questionable they could have the trial again and if the Supreme Court's original verdict wasn't the correct one, that then congress could overturn it.*

Data: Accurate as well as support s position-*The members of congress had a very positive reaction to this suggested amendment because it will grant them more power. The judges and lawyers obviously don't agree because they lose cases and power. The general public is in between.*

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**Anchor Paper 4**

Should the Constitution be amended to allow Congress to overturn Supreme Court decisions?

*Dear United States Representative:*

*I believe that the constitution should not be amended to allow congress to overturn Supreme Court decisions. The President calls for the Supreme Court to help him with decision making, so the congress should not be able to overturn the Supreme Court's rights. This results in the separation of powers. Congress doesn't have complete power of the Supreme Court.*

*From the data that I have observed, in 1996 fifty-nine percent of members of congress favored this argument. Nineteen percent of judges and lawyers and forty-nine percent of the public favor it. These percentages are awfully low. For somebody that thinks the constitution should amend congress to overturn Supreme Court decisions, look at how much decision making other courts would have to make without the help of the Supreme Court. It's not worth it at all.*

Score: 3

Position: Clear position on the issue- *I believe that the constitution should not be amended to allow congress to overturn Supreme Court decisions. The President calls for the Supreme Court to help him with decision making, so the congress should not be able to overturn the Supreme Court's rights.*

Data: *From the data that I have observed, in 1996 fifty-nine percent of members of congress favored this argument. Nineteen percent of judges and lawyers and forty-nine percent of the public favor it. These percentages are awfully low*

Refutation: Provides a refutation to an opposing argument- *For somebody that thinks the constitution should amend congress to overturn Supreme Court decisions, look at how much decision making other courts would have to make without the help of the Supreme Court. It's not worth it at all.*

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**Anchor Paper 5**

Should the Constitution be amended to allow Congress to overturn Supreme Court decisions?

*Dear United States Representative:*

*I have recently heard talk of an amendment to the constitution. This amendment would allow congress to overturn Supreme Court decisions with a two-thirds majority. Personally, I am insulted that our government would ever consider such an amendment. As written by the framers of our constitution, the three branches of government are each given certain powers to keep the other branch in check. The Supreme Court's only power as of now is that its decisions cannot be overturned. It has the power to decide the constitutionality of laws, bills, and the courts' decisions. Taking away this power would make the court useless and give congress far too much power.*

*Also, I think that the Supreme Court is better able to make good decisions and rulings than the Supreme Court (sic), because congressmen have to worry about keeping their party and their constituents pleased, their decision may not always be what they really believe. Supreme Court judges do not have to worry about re-elections and pleasing constituents because they are appointed to the court for life. Their judgments are more likely to be fair and just, as opposed to partisan.*

*Next, congress would be the only group to gain from this. As the data shows, not even two-thirds of congress likes this idea. Not even the people who would benefit most from this amendment agree with it. Amending the constitution in this way would be a disgrace and would make the Supreme Court basically useless and would ruin the system of checks and balances. It is a bad idea and should not be passed.*

Score: 3

Position: Clear position on the issue and support-. *Personally, I am insulted that our government would ever consider such an amendment. As written by the framers of our constitution,*

Data: missing

CDV: Correct application of a Core Democratic Value- (Separation of Powers)- *the three branches of government are each given certain powers to keep the other branch in check... It has the power to decide the constitutionality of laws, bills, and the courts' decisions. Taking away this power would make the court useless and give congress far too much power.*

Prior Knowledge: Prior social studies knowledge of civics (justices appointed to the court for life) - *Supreme Court judges do not have to worry about re-elections and pleasing constituents because they are appointed to the court for life.*

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**Anchor Paper 6**

Should the Constitution be amended to allow Congress to overturn Supreme Court decisions?

*Dear United States Representative:*

*The constitution should be amended to allow congress to overturn Supreme Court decisions. It all simply makes logical sense. There are only nine Supreme Court justices who decide the cases. I ask you, how can nine people (mere humans) represent what the millions of people in America think? Perhaps those nine humans make a bad decision and refuse to reverse it. Then the whole justice system is all the worse. If you've noticed, there is no evidence of popular sovereignty among the Supreme Court. But with this amendment, the people could have their voices be heard by their own representatives and have a chance at getting in their say. America strives for justice, the justice of millions of people, not that of nine.*

*Information I have been given shows that congressman, like yourself, generally wish to pass this amendment, especially when a lot of decisions are passed by the Supreme Court.*

*In the past, the Supreme Court made some very heated decisions, such as that on evolution. Unfortunately, the specific case and decision eludes me right now, but I do know there was a lot of debate over it. Perhaps the congress could have overturned the decision by the will of the people.*

*Those against the amendment may say that it gives the legislature too much power over the judicial branch, but I just say that it is just making the scales even and extending the will of the people further into the courts. After all, there would have to be a firm belief that the Supreme Court was wrong for a two-thirds majority in both houses.*

*One thing, however, perhaps the amendment could be modified to exclude decisions concerning the legislative body itself and its members because their personal interests could be involved.*

Score: 5

Position: Clear position on the issue- *The constitution should be amended to allow congress to overturn Supreme Court decisions. It all simply makes logical sense*

CDV: Support for the position with the correct application of a Core Democratic Value (Popular Sovereignty)- *If you've noticed, there is no evidence of popular sovereignty among the Supreme Court.. have their voices be heard by their own representatives*

Prior Knowledge: Prior social studies knowledge of civics (Nine Supreme Court justices)- *nine people (mere humans)*

Data: Correct use of Data- *Information I have been given shows that congressman, like yourself, generally wish to pass this amendment, especially when a lot of decisions are passed by the Supreme Court.*

Refutation: A successful refutation- *Those against the amendment may say that it gives the legislature too much power over the judicial branch, but I just say that it is just making the scales even and extending the will of the people further into the courts. After all, there would have to be a firm belief that the Supreme Court was wrong for a two-thirds majority in both houses.*

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